

of persons of ordinary skill in the art. *In re Rouffett*, 149 F.3d 1350, 1357 (Fed. Cir. 1998). Although television and radio both involve the receipt and transmission of information of over specific bands, the issues involved in the configuration and use of such systems is drastically different. Specifically, television systems inherently include access to viewable interfaces (i.e. the television screen) while radio systems do not. Thus, when designing interfaces that attempt to ease set-up and use of radios, one skilled in the art would not be motivated to look towards references involving television systems.

Moreover, even if there was a motivation to combine *Yamamoto* with *Hewitt*, *Yamamoto* actually teaches away from the Applicant's invention. Although the disclosure in *Yamamoto* is not completely clear, it appears that in order to set the preset channels, the user of the *Yamamoto* system must tune to a specific channel, hit the # key on the remote control, and then choose the preset number with which the channel is to be associated. While *Yamamoto* discloses that the user may view a graphic that shows the created associations, this graphical display does not allow a user to graphically establish an association list between a first set of configuration data and a second set of displayed configuration data in a user profile in a remote database.

The Examiner also argues that the graphical interface for establishing an association between radio stations and preset buttons missing from the teachings of *Hewitt* is allegedly disclosed in *Louderback*. *Louderback*, however, is merely a critique of an expected new product introduction, which mentions only in a single sentence that "you can use a computer to set up preferences and assign stations to those buttons." As such, Applicant submits that *Louderback* is not an enabling disclosure and thus, would not enable one skilled in the art to practice the Applicant's invention as it provides no details of how a graphical interface could be used to allow

assignment of the displayed stations to presets. Thus, Applicant submits that *Louderback* cannot be used as a basis for disclosing the graphical interface required by Claim 1.

Therefore, as neither *Louderback* nor *Yamamoto* may be properly combined with *Hewitt* to disclose all of the elements of Applicant's claims, Applicant submits that the prior art does not teach "a graphical interface on a first network device that displays an association page from which a user graphically establishes an association list between a first set of configuration data and a second set of displayed configuration data in a user profile in a remote database."

Additionally, even if *Louderback* was enabling and could be combined with *Hewitt*, there would be no motivation to combine *Heredia* with either of these references to show the use of a location identifier as required by Claim 1. The applicable disclosures of *Hewitt* and *Louderback* are both concerned with providing ease of use in setting up configurations for a radio (and a television in the case of *Yamamoto*). *Heredia*, however, is not concerned with set up and configuration of a radio, but is instead directed to means for determining what radio station is already being received by a radio. Specifically, *Heredia* teaches that, once the user has selected a radio station, the known location of the radio may be used to access a database of broadcast signals in the user's area at that frequency, allowing the radio to display the identity of the station already tuned. (Col. 4, line 22-Col. 5, line 31). Thus, while *Hewitt* and *Louderback*, are directed to providing the user with easier configuration procedures, *Heredia* is directed to identifying radio stations as they are being already received.

Furthermore, there would be no reason to in fact use a location identifier with the Internet radio reviewed in *Louderback*. By its very nature, Internet radio is not location specific, and thus has absolutely no need for a location identifier to be used for determining stations available to

the user. Accordingly, there can be no motivation to use the geographic identifier of *Heredia* in conjunction with the computer that allegedly assigns "station presets" in *Louderback*.

In the office action, Claims 5, 7, 13 and 22 were also rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Hewitt et al.* in view of *Louderback*, *Yamamoto et al.*, and *Heredia et al.* as applied to claims 1, 10 and 19 above, and further in view of *Steinmark* (U.S. Patent Application Publication US 2003/0001727 A1). Claim 8 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Hewitt et al.* in view of *Louderback*, *Yamamoto et al.*, *Heredia et al.* and *Steinmark* as applied to claim 5 above, and further in view of *Wachob et al.* (U.S. Patent No. 5,334,975). Claims 12 and 21 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Hewitt et al.* in view of *Louderback*, *Yamamoto et al.*, *Heredia et al.* as applied to claims 10 and 19 above, and further in view of *Wachob et al.* Claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Hewitt et al.* in view of *Heredia et al.*, and further in view of *Steinmark*. Applicant requests that these claims are allowable for the same reasons as discussed above.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully submits that all present invention is in condition for allowance. Should the Examiner have any remaining issue, Applicant kindly requests that the Examiner contact the undersigned.

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